

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

OREGON AND SOUTHWEST WASHINGTON  
NECA-IBEW ELECTRICAL WORKERS AUDIT  
COMMITTEE, comprised of TIMOTHY J.  
GAUTHIER, CLIF DAVIS, TIM FOSTER, GARY  
PRICE, RANDY WAGNER, acting on behalf of  
HARRISON ELECTRICAL WORKERS TRUST  
FUND; EDISON PENSION TRUST; NATIONAL  
ELECTRICAL BENEFIT FUND; INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS  
DISTRICT NO. 9 PENSION PLAN; BARNES  
LABOR-MANAGEMENT COOPERATION  
COMMITTEE; NECA-IBEW ELECTRICAL  
TRAINING TRUST and on behalf of the Trustees  
of said Trust Funds, and on behalf of the  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 48,

Plaintiffs,

v.

E. J. CASSELLA & ASSOCIATES, INC.,

Defendant.

HAGGERTY, Chief Judge:

Civil No. 08-1284-HA

ORDER

Plaintiffs filed a Motion to Dismiss Defendant's Answer to Complaint [6]. Plaintiffs' motion is construed by the court as a motion to strike.

Defendant Cassella, a corporation, filed its Answer to Complaint on November 25, 2008. The Answer was signed and dated by Karl Starkweather. Starkweather is not an attorney registered with the Oregon State Bar.

Oregon Revised Statutes 9.320 stipulates that a "state or a corporation appears by attorney in all cases." Therefore, defendant is required to appear and defend through an attorney. *See Triangle Fabricators, Inc. v. Forward Indus., Inc.*, 866 F. Supp. 467 (D. Or. 1994). Accordingly, plaintiffs' Motion to Dismiss Defendant's Answer to Complaint [6] is GRANTED as follows: defendant's answer is stricken. The defendant corporation has thirty days to obtain counsel and make a proper appearance.

IT IS SO ORDERED.

Dated this 9 day of December, 2008.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge